

HOUSE BILL REPORT

SSB 5145

As Reported by House Committee On:
Natural Resources, Ecology & Parks
Appropriations

Title: An act relating to a boating safety education program.

Brief Description: Establishing a boating safety education program.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 3/24/05, 3/31/05 [DPA];
Appropriations: 4/2/05 [DPA(NREP)].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Directs the State Parks and Recreation Commission to establish and implement by rule a required boating safety education program.
- Establishes a mandatory \$10 boater education card to be phased in from 2008 to 2016 for persons 12 years of age and older operating motor boats with 15 horsepower or more.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass as amended. Signed by 7 members: Representatives B. Sullivan, Chair; Buck, Ranking Minority Member; Blake, Dickerson, Eickmeyer, Hunt and Williams.

Minority Report: Do not pass. Signed by 4 members: Representatives Upthegrove, Vice Chair; Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

Staff: Jeff Olsen (786-7157).

Background:

The State Parks and Recreation Commission (Commission) is required to adopt and enforce recreational boating safety rules consistent with U.S. Coast Guard regulations. The Commission must also coordinate a statewide program of boating safety education using

existing programs, when possible, offered by the U.S. Power Squadron and the U.S. Coast Guard Auxiliary. Recreational operators of motor driven boats and vessels are not required to complete a boating safety education program prior to operating the vessel.

Senate Bill 5898, passed during the 2003 legislative session, directed the Commission and the Boating Safety Advisory Council to review recreational boating safety accidents and suggest ways in which accidents could be reduced. To implement the bill, the Commission and the Boating Safety Advisory Council met four times over the interim and reviewed statistical information on recreational boating accidents. The primary recommendation of the advisory council is to mandate recreational boater education.

The monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than ten dollars and no more than five hundred dollars.

Summary of Amended Bill:

The State Parks and Recreation Commission must establish a program to provide required boating safety education. The program must be phased in by age so that all non-exempt boaters are required to obtain a boater education card by January 1, 2016. The program must include a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard Auxiliary and the U.S. Power Squadrons. Additionally, the program must include an equivalency exam that may be taken as an alternative to the boating safety education course, a \$10 fee to receive the boater education card, and a card replacement fee.

In order to operate a motor driven boat or vessel of 15 horsepower or greater, a person must be at least 12 years old and: (1) possess a boater education card; or (2) be accompanied by and under the supervision of a person at least 16 years old who has a boater education card, or who is not yet required to possess the card under the phased-in program. Failure to possess a boater education card is a natural resource infraction.

Certain individuals are not required to have a boater education card, including: (1) persons not yet required to have a card under the phased schedule developed by the Commission; (2) certain nonresident vessel operators; (3) renters of motor driven boats or vessels, with an engine power of 15 horsepower or greater, who are at least 12 years old and who complete a Commission-approved motor vessel safety checklist; (4) commercial fishing vessel operators and persons possessing a marine operators license; and (5) any person born before January 1, 1955.

Any person who, prior to the effective date of this act, successfully completed a boating safety education course substantially equivalent to the standards adopted by the Commission may pay a \$10 fee and receive a boater education card without taking a course or equivalency exam.

All fees collected for the issuance of a boater education card must be deposited in the newly created, nonappropriated Boating Safety Education Certification Account to be used for the administration of the boating safety education program.

Amended Bill Compared to Substitute Bill:

The Amended bill exempts commercial fishing vessel operators licensed by the Department of Fish and Wildlife and persons possessing a marine operator license issued by the U.S. Coast Guard from the requirement to carry a boater education card when operating a vessel for recreational purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Due to Washington's increased boating traffic and the fourth highest boating accident rate, boating safety education is needed. Stakeholders have been working for five years on this issue, including conducting a study on boating safety along with the State Parks and Recreation Commission. Mandatory boating safety education, currently required in 36 states, has been shown to reduce serious accidents over time. Many optional courses are currently available, including those provided by the United States Power Squadrons, the United States Coast Guard Auxiliary, and online courses. Costs to take the courses range between \$25-\$50, which can be offset by savings on boat insurance.

The bill includes provisions to educate boaters about aquatic nuisance species. New homeland security measures have resulted in new rules for boaters, including keeping safe distances between certain vessels. Over 75 percent of Washington boaters surveyed support the bill. Boater safety education will lead to safer and more enjoyable boating.

Testimony Against: None.

Persons Testifying: Ron Mattson and David Kutz, Washington Alliance for Mandatory Boaters Education; Ray Schow, Recreational Boaters Association of Washington; Roy Mackey, American Watercraft Association and Personal Watercraft Industry; Cliff Webster, Northwest Marine Trade Association; Lance Jensen, United States Power Squadrons; Viggo Bertelsen, Keith Harding and Bonnie Harding, United States Coast Guard Auxiliary; Janice Visser, Pacific International Yachting Association and Sailing Foundation; James Drew, Clark County Sheriffs Marine Patrol; Gordon Fountain, Recreational Boaters Association of Washington and Port Ludlow Yacht Club; and Chuck Gowed, Nor'Westing Magazine.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Natural Resources, Ecology & Parks. Signed by 23 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Priest, Schual-Berke and Walsh.

Minority Report: Do not pass. Signed by 5 members: Representatives Alexander, Ranking Minority Member; Buri, Hinkle, Pearson and Talcott.

Staff: Alicia Paatsch (786-7178).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Natural Resources, Ecology & Parks:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill is revenue neutral; users fund the program for the user's benefit. There is no budget impact from this bill. There are 36 organizations that support this bill and have been involved to develop this bill over two years. The bill comes to the House with bipartisan support

Testimony Against: None.

Persons Testifying: Steve Greaves, Washington Alliance for Mandatory Boater Education; Cliff Webster, NW Marine Trade Associations; Jim King, Citizens for Parks and Recreation; Ray Schow, Recreational Boating Association of Washington; and Frances Troje, The Mountaineers and Washington Water Industries.

Persons Signed In To Testify But Not Testifying: None.